

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FERNANDO RODRIGUEZ,

Plaintiff,

v.

JOHN KEAST, *et al.*,

Defendants.

Case No. 3:24-cv-00218-MMD-CSD

ORDER

Pro se Plaintiff Fernando Rodriguez, who is incarcerated in the custody of the Nevada Department of Corrections, sued prison healthcare workers and officials under 42 U.S.C. § 1983 for violating his Eighth Amendment rights regarding delays in scheduling cataract surgery and dental extractions. (ECF No. 12.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig Denney (ECF No. 72), recommending the Court grant Plaintiff’s motion for injunctive relief (ECF No. 9) and order that Plaintiff receive right eye cataract surgery and recommended dental extractions. Defendants had until July 22, 2025, to file an objection. (ECF No. 72.) To date, Defendants have not filed an objection to the R&R. For this reason, and as explained below, the Court adopts the R&R in full, and grants Plaintiff’s request for injunctive relief.

Because there is no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”); Fed. R. Civ. P. 72, advisory committee note to 1983 amendment (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

1 Here, Plaintiff was recommended for cataract surgery as far back as October 2022,
2 and he still has not had cataract surgery for both eyes. (ECF No. 72 at 7.) Extractions of
3 numerous rotten teeth were recommended as far back as April 2021, and those
4 extractions have not been done. (*Id.*) Plaintiff filed his motion for injunctive relief nearly a
5 year ago, and has not had the procedures, despite Defendants' repeated representations
6 to Plaintiff and the Court that the procedures would occur. (*Id.*) Having reviewed the
7 record and standards for granting preliminary injunctive relief, Judge Denney did not
8 clearly err. The Court will adopt the R&R in full.

9 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
10 No. 72) is accepted and adopted in full.

11 It is further ordered that Plaintiff's motion for preliminary injunction (ECF No. 9) is
12 granted as it relates to Plaintiff's eye cataract surgery and dental care. In particular, it is
13 further ordered that Defendants must ensure Plaintiff receive right eye cataract surgery
14 and the recommended dental extractions within 45 days of this Order. Defendants must
15 provide any recommended follow up care within a reasonable time pending resolution of
16 this case on the merits.

17 It is further ordered that Defendants file a status update within 14 days after the
18 recommended care discussed in this Order is provided.

19 DATED THIS 23rd Day of July 2025.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

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21 MIRANDA M. DU
22 UNITED STATES DISTRICT JUDGE
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